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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
A G E N D A  
GENERAL MEETING

Hilton Los Angeles Airport  
Newport B Room  
5711 West Century Boulevard  
Los Angeles, California 90045  
(310) 410-4000

September 28, 2006

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

1. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the June 16, 2006, General meeting.**
4. **Oral Arguments before the Public Members of the Board.**
  - a. SERPA AUTOMOTIVE GROUP, INC. v. VOLKSWAGEN OF AMERICA, INC.  
Protest No. PR-1977-05
  - b. POMONA VALLEY KAWASAKI/KTM v. KTM NORTH AMERICA  
Protest No. PR-1978-05
  - c. FRONTIER INFINITI v. NISSAN NORTH AMERICA, INC., INFINITI DIVISION  
Protest No. PR-1969-05

5. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

a. **Consideration of Proposed Decision.**

SERPA AUTOMOTIVE GROUP, INC. v. VOLKSWAGEN OF AMERICA, INC.

Protest No. PR-1977-05

Consideration of the Administrative Law Judge's Proposed Decision, by the Public members of the Board.

b. **Consideration of Proposed Decision.**

POMONA VALLEY KAWASAKI/KTM v. KTM NORTH AMERICA

Protest No. PR-1978-05

Consideration of the Administrative Law Judge's Proposed Decision, by the Public members of the Board.

c. **Consideration of Recommendation Re: Payment of Attorney's Fees.**

FRONTIER INFINITI v. NISSAN NORTH AMERICA, INC., INFINITI DIVISION

Protest No. PR-1969-05

Consideration of the Administrative Law Judge's "Recommendation Re: Payment of Attorney's Fees", by the Public members of the Board.

6. **Open Session.**

7. **Oral Arguments before the Public and Dealer Members of the Board.**

MEGA RV CORP., dba McMAHON'S RV v. WESTERN RECREATIONAL VEHICLES, INC.

Protest No. PR-1983-05

**8. Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

**Consideration of Proposed Order.**

MEGA RV CORP., dba McMAHON'S RV v. WESTERN RECREATIONAL VEHICLES, INC.

Protest No. PR-1983-05

Consideration of the Administrative Law Judge's "Proposed Order Granting 'Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction'; and Proposed Order Dismissing Protest without Prejudice", by the Public and Dealer members of the Board.

**9. Open Session.**

- 10. Annual update concerning the number of monthly hits to the Board's website and where information is being sought - Administration Committee.**
- 11. Consideration of appointment of Polly Riggerbach, Staff Counsel, as an Administrative Law Judge for purposes of conducting Mandatory Settlement Conferences in protest proceedings (13 CCR § 590) - Administration Committee.**
- 12. Status on the number of manufacturers and distributors that failed to respond to the Board's request for data necessary to calculate the annual Board fee - Fiscal Committee.**
- 13. Consideration of proposed revisions to the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee**
- 14. Discussion and consideration of the format, room set-up, and draft topics for the 6<sup>th</sup> Annual Industry Roundtable scheduled for March 27, 2007, in Sacramento - Government and Industry Affairs Committee.**
- 15. Status report on the registration fees collected at the 5<sup>th</sup> Annual Industry Roundtable, held in Sacramento on April 4, 2006 - Government and Industry Affairs Committee.**

16. **Discussion concerning pending Legislation - Policy and Procedure Committee.**

- a. Pending Legislation that impacts the Board.
- b. Pending Legislation of general interest.
  - (1) Assembly Bill 1854 (Assembly Member Oropeza)
  - (2) Assembly Bill 2239 (Assembly Member Emmerson)
  - (3) Assembly Bill 2291 (Assembly Member Evans)
  - (4) Assembly Bill 2303 (Committee on Judiciary)
  - (5) Assembly Bill 2322 (Assembly Member Parra)
  - (6) Assembly Bill 2794 (Assembly Member Levine)
  - (7) Senate Bill 1542 (Senator Migden)
  - (8) Senate Bill 1559 (Senator Lowenthal) [Chaptered July 12, 2006]

17. **Executive Director's Report.**

- a. Administrative Matters.
- b. Status of Protests.
- c. Status of Petitions.
- d. Status of Appeals.
- e. Judicial Review.
- f. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- g. Other.

18. **Adjournment.**

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To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-1888 or <a href="mailto:ktomono@nmbv.ca.gov">ktomono@nmbv.ca.gov</a> .
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